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3662

Docket No.: 50212-354

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|---------------------------|
| In re Application of | : | Customer Number: 20277 |
| | : | |
| Eisuke SASAOKA, et al. | : | Confirmation Number: 2861 |
| | : | |
| Serial No.: 10/086,833 | : | Group Art Unit: 3662 |
| | : | |
| Filed: March 04, 2002 | : | Examiner: D. Hughes |
| | : | |
| For: RAMAN AMPLIFICATION OPTICAL FIBER, OPTICAL FIBER COIL, RAMAN AMPLIFIER, AND OPTICAL COMMUNICATION SYSTEM | | |

REQUEST FOR RECONSIDERATION

Mail Stop Request for Reconsideration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAR 15 2004
GROUP 3600

Sir:

Reconsideration of the rejection imposed in the Office Action dated January 7, 2004
solicited, in light of the following Remarks.

REMARKS

Claims 1 through 17 are pending in this Application. Applicants acknowledge, with appreciation, the Examiner's allowance of claims 1 through 8 and the Examiner's indication that claims 10 and 13 contain allowable subject matter. Accordingly, the only remaining issue pivots about the patentability of claims 9, 11, 12 and 14 through 17.

Claims 9, 11, 12 and 14 through 17 were rejected under 35 U.S.C. §102 for lack of novelty as evidenced by Hirano et al.

This rejection is traversed. Specifically, Hirano et al. does not constitute prior art under 35 U.S.C. §102.

The present Application is entitled to a foreign priority date of March 22, 2001. However, the applied reference to Hirano et al. was filed on June 21, 2001, which is subsequent to the March 22, 2001 date to which the present Application is entitled. Submitted herewith, as Exhibit A, is a certified English language translation of the foreign priority document, establishing Applicants' right to the foreign priority date of March 22, 2001, antedating the June 21, 2001 filing date of the applied Hirano et al. reference.

Based upon the foregoing, the applied Hirano et al. reference does not constitute prior art within the meaning of 35 U.S.C. §102. Accordingly, the imposed rejection must fall.


Applicants, therefore, submit that the imposed rejection of claims 9, 11, 12 and 14 through 17 under 35 U.S.C. §102 for lack of novelty as evidenced by Hirano et al. is not factually or legally viable and, hence, solicit withdrawal thereof.

It should, therefore, be apparent that the imposed rejection has been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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